

## ORDINANCE NO. 714

AN ORDINANCE VACATING THE 20-FOOT-WIDE PUBLIC WATER LINE EASEMENT AS DEDICATED ON THE PLAT OF RECORD AT FILE NO. 14438, IN THE OFFICIAL RECORDS OF THE ROUTT COUNTY CLERK & RECORDER; AND PROVIDING AN EFFECTIVE DATE

### RECITALS

WHEREAS, a certain public water line easement benefitting the Town of Hayden was created and dedicated on the Plat of record at File No. 14438 in the Official Records of the Routt County Clerk & Recorder, and as further described and shown and noted on Exhibits A and B attached hereto, (the "Easement"); and

WHEREAS, 200 Walnut Granary LLC has requested that the Town of Hayden (the "Town") vacate the said Easement due to it being inadvertently mislocated; and

WHEREAS, 200 Walnut Granary LLC has agreed to execute and record an easement document conveying a public water line easement in the proper location; and

WHEREAS, the Hayden Town Council (the "Council") held a public hearing on the request to vacate the said Easement on April 7, 2022; and

WHEREAS, the Council found that the approval of the vacation of the said Easement is not contrary to the applicable provisions of Hayden Development Code; and

WHEREAS, the Council found that it is appropriate to proceed with the vacation of the said Easement as proposed; and

WHEREAS, the Hayden Development Code requires that any ordinance vacating a right-of-way be recorded in the office of the Routt County Clerk and Recorder and shall reference any exceptions, easements or reservations of the vacation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, THE FOLLOWING:

**Section 1. Vacation.** The public water line easement benefitting the Town of Hayden was created and dedicated on the Plat of record at File No. 14438 in the Official Records of the Routt County Clerk & Recorder, and as further described and shown and noted on Exhibits A and B attached hereto (the "Easement"), is hereby vacated.

**Section 2. Authorization to Record Ordinance.** Upon receipt of a duly executed and recordable public water line easement document (the "New Easement"), this Ordinance No. 714 and the New Easement shall be recorded in the office of the Routt County Clerk and Recorder.

**Section 3. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 4. Effective Date.** This Ordinance, immediately on final passing and adoption, shall be published in accordance with Section 3-3h of the Home Rule Charter and recorded in the Town Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Town Clerk. This Ordinance shall be in full force and effect immediately after its publication in accordance with Section 3-3h of the Hayden Home Rule Charter.

**Section 5. Public Hearing.** A public hearing on this Ordinance will be held on the 7<sup>th</sup> day of April, 2022, at the regular meeting of the Hayden Town Council beginning at 7:30 p.m. at the Hayden Town Hall, 178 West Jefferson Ave, Hayden, Colorado.

[SIGNATURE PAGE FOLLOWS]


INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SUBSECTION 3-3(d) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 17<sup>TH</sup> DAY OF MARCH, 2022.

  
Zachary Wuestewald, Mayor

ATTEST  
  
Sharon Johnson, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SUBSECTIONS 3-3 (e) through (h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 7<sup>TH</sup> DAY OF APRIL, 2022.

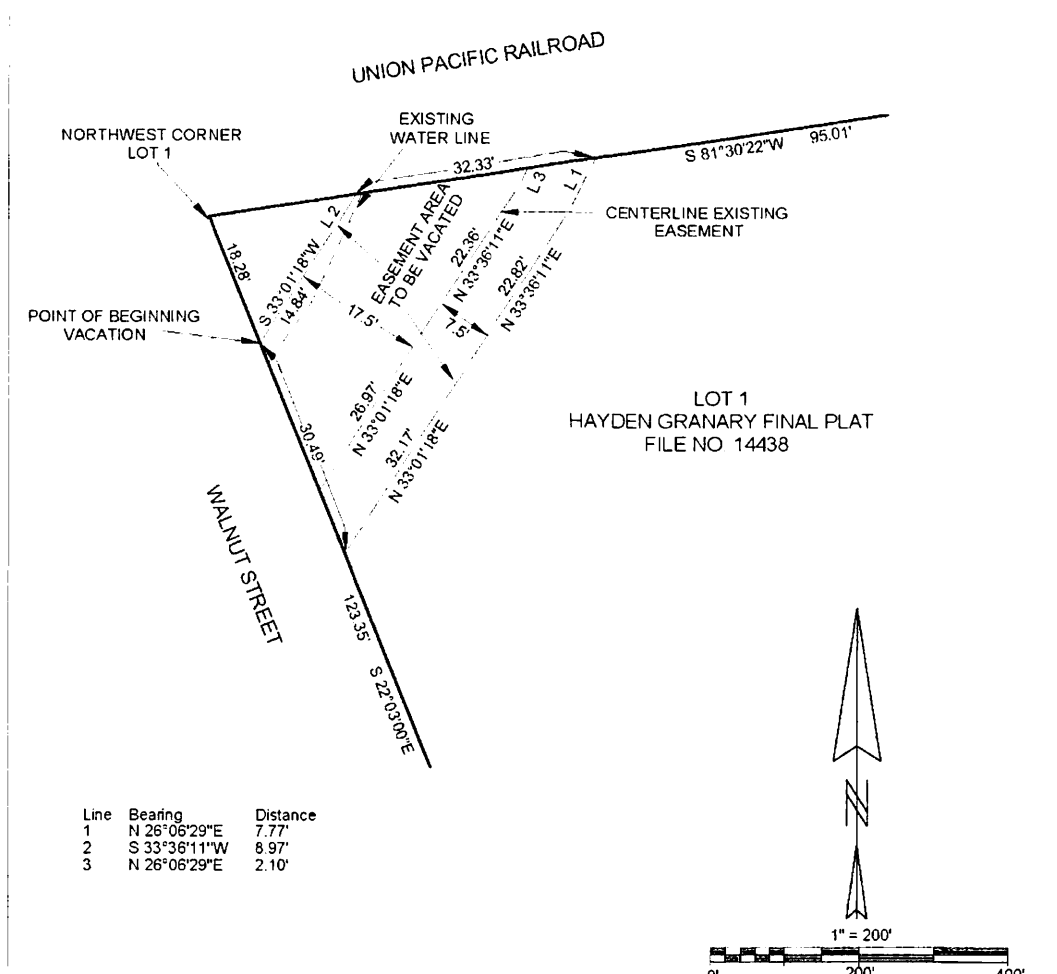
  
Zachary Wuestewald, Mayor

ATTEST  
  
Sharon Johnson, Town Clerk





**EXHIBIT 'B'**  
**LOT 1**  
**HAYDEN GRANARY FINAL PLAT**  
**TOWN OF HAYDEN**  
**ROUIT COUNTY, COLORADO**



NOTICE: According to Colorado Law, you must examine a plat or plat section based on any defect in this survey within three years after you first discover such defect, in no event may any action be commenced more than two years from the date of certification shown herein.

<b>BRINKMAN PROPERTIES</b>		<b>EXHIBIT 'B'</b>		<b>DOWLING LAND SURVEYORS, LLC</b>	
		<b>LOT 1, HAYDEN GRANARY FINAL PLAT</b>		P.O. BOX 954	
		<b>TOWN OF HAYDEN</b>		HAYDEN, COLORADO 81639	
		<b>ROUIT COUNTY, COLORADO</b>		(970) 276-3613	
				dowling@plotz.biz	
<b>SCALE</b>	<b>DRG</b>	<b>DATE</b>	<b>FILE</b>		
1" = 200'	GRD	2/13/22	19A11612A		

ORDINANCE NO. 714

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RECITALS

WHEREAS, a certain public water line easement benefitting the Town of Hayden was created and dedicated on the Plat of record at File No. 14438 in the Official Records of the Routt County Clerk & Recorder, and as further described and shown and noted on Exhibits A and B attached hereto, (the "Easement"); and

WHEREAS, 200 Walnut Granary LLC has requested that the Town of Hayden (the "Town") vacate the said Easement due to it being inadvertently mislocated; and

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WHEREAS, the Hayden Town Council (the "Council") held a public hearing on the request to vacate the said Easement on April 7, 2022; and

WHEREAS, the Council found that the approval of the vacation of the said Easement is not contrary to the applicable provisions of Hayden Development Code; and

WHEREAS, the Council found that it is appropriate to proceed with the vacation of the said Easement as proposed; and

WHEREAS, the Hayden Development Code requires that any ordinance vacating a right-of-way be recorded in the office of the Routt County Clerk and Recorder and shall reference any exceptions, easements or reservations of the vacation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, THE FOLLOWING:

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INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SUBSECTION 3-3(d) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 17<sup>TH</sup> DAY OF MARCH, 2022.

  
Zachary Wuestewald, Mayor

ATTEST

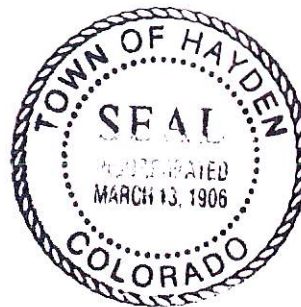
  
Sharon Johnson, Town Clerk

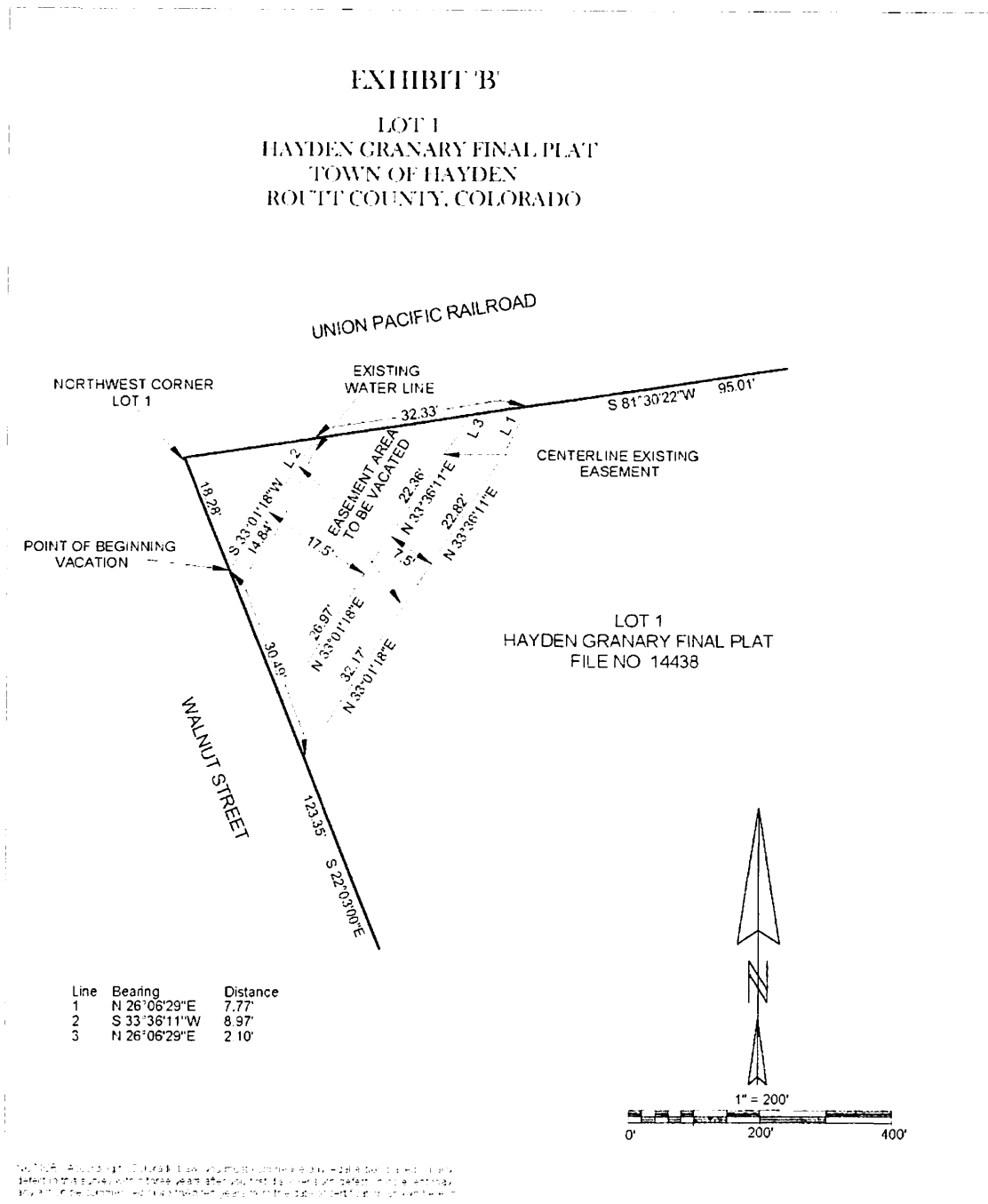
FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SUBSECTIONS 3-3 (e) through (h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 7<sup>TH</sup> DAY OF APRIL, 2022.

  
Zachary Wuestewald, Mayor

ATTEST

  
Sharon Johnson, Town Clerk





<p><b>BRINKMAN                  PROPERTIES</b></p>	<p><b>EXHIBIT 'B'</b>                  LOT 1, HAYDEN GRANARY                  FINAL PLAT                  TOWN OF HAYDEN                  ROUTT COUNTY, COLORADO</p>	<p>DOWLING LAND SURVEYORS, LLC                  P.O. BOX 954                  HAYDEN, COLORADO 81639                  (970) 276-3613                  dowling@plotz.biz</p>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>SCALE</th> <th>DRG</th> <th>DATE</th> <th>FILE</th> </tr> </thead> <tbody> <tr> <td>1" = 200'</td> <td>GFE</td> <td>2/1/2014</td> <td>200-714</td> </tr> </tbody> </table>	SCALE	DRG	DATE	FILE	1" = 200'	GFE	2/1/2014	200-714		
SCALE	DRG	DATE	FILE							
1" = 200'	GFE	2/1/2014	200-714							



**GRANT OF EASEMENT**

**LOT 1, HAYDEN GRANARY FINAL PLAT**

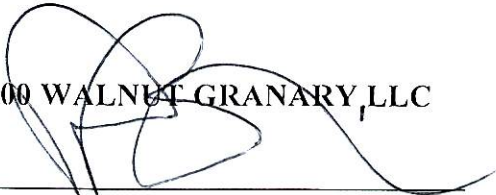
This GRANT OF EASEMENT is made this 30<sup>th</sup> day of MARCH, 2022, by 200 WALNUT GRANARY, LLC (hereafter "Grantor"), whose address is PO Box 773012, Steamboat Springs, CO 80477 to the TOWN OF HAYDEN, a Colorado home rule municipality ("Town"), whose address is 178 W Jefferson Avenue, PO Box 190, Hayden, CO 81639.

**WHEREAS**, Grantor has petitioned the Town to vacate a certain public water line easement ("Easement") benefitting the Town that was created and dedicated on the Plat of record at File No. 14438 in the Official Records of the Routt County Clerk & Recorder and on which Easement was inadvertently mislocated; and

**WHEREAS**, the Town Council determined it was appropriate to vacate the Easement, subject to the due execution and recording of a new public water line easement in the proper location ("New Easement"), and vacated the Easement by Ordinance No. 714 recorded at Reception No. 836465 in the Official Records of the Routt County Clerk & Recorder.

**NOW THEREFORE**, Grantor grants and assigns to the Town an easement as shown and described on Exhibits A & B attached hereto for the use and maintenance of a perpetual public waterline easement.

**IN WITNESS WHEREOF**, Grantor has executed this Grant of Easement on the year and day first above written.

  
200 WALNUT GRANARY, LLC  
Paul Brinkman, Manager

State of Colorado     )  
  )ss.  
County of Routt        )

Acknowledged before me this 30<sup>th</sup> day of March, 2022 by Paul Brinkman, as manager of 200 Walnut Granary, LLC.

**WITNESS MY HAND AND OFFICIAL SEAL**  
My commission expires:

TRACY A BYE  
Notary Public  
State of Colorado  
Notary ID # 20184028720  
My Commission Expires 07-18-2022

  
Notary Public

DOWLING LAND SURVEYORS, LLC  
P.O. BOX 954  
HAYDEN, COLORADO 81639  
(970) 276-3613  
[dowling@plotz.biz](mailto:dowling@plotz.biz)

LEGAL DESCRIPTION

200 WALNUT/TOWN OF HAYDEN

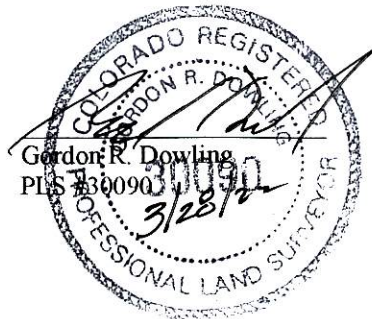
FEBRUARY 10, 2022

EASEMENT DESCRIPTION

A tract of land located in Lot 1, HAYDEN GRANARY FINAL PLAT, Town of Hayden, Routt County, Colorado, of record at File No. 14438, records of Routt County, being more particularly described as follow:  
BEGINNING at the Northwest Corner of said Lot 1; thence S 22°03'00" E along the Westerly line of said Lot 1 a distance of 32.87 feet; thence N 36°08'49" E a distance of 17.15 feet; thence N 25°03'00" E a distance of 23.69 feet, to a point on the Northerly line of said Lot 1; thence S 81°30'22" W along said Northerly line a distance of 32.85 feet, to the POINT OF BEGINNING.

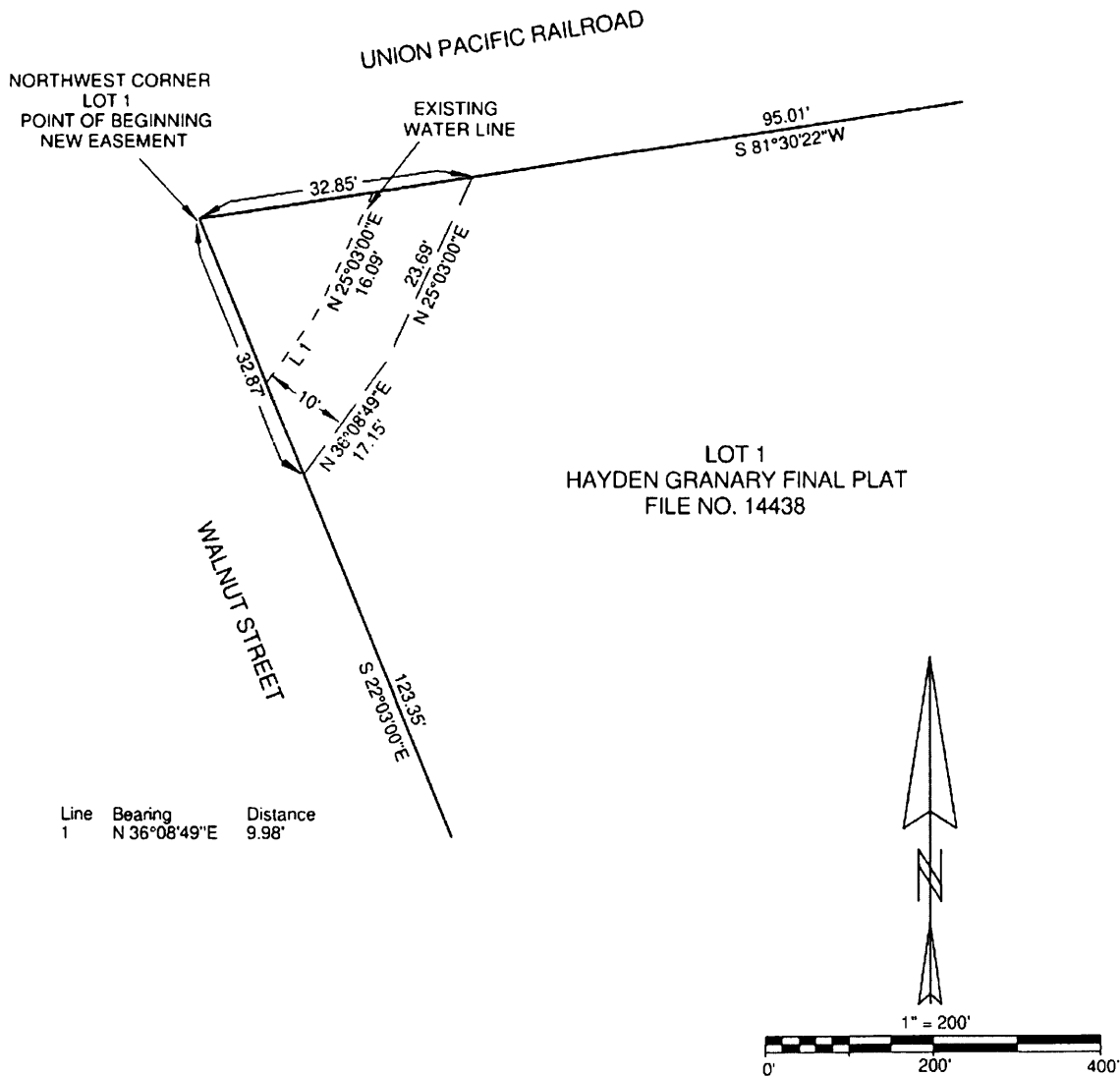
Bearings based on – The Monumented North Line of Block 4, Original Town of Hayden, The Northwest Corner being a rebar and cap, TS&T and the Northeast Corner being a rebar and illegible cap - N67°57'00"E

brinkman 200 walnut wl easm 2-10-22



# EXHIBIT 'B'

LOT 1  
HAYDEN GRANARY FINAL PLAT  
TOWN OF HAYDEN  
ROU'TT COUNTY, COLORADO



Line Bearing Distance  
1 N 36°08'49"E 9.98'

NOTICE: According to Colorado Law, you must commence any legal action based on any defect in this survey within three years after you first discover such defect, in no event may any action be commenced more than ten years from the date of certification shown hereon.

BRINKMAN PROPERTIES				EXHIBIT 'B'		DOWLING LAND SURVEYORS, LLC P.O. BOX 954 HAYDEN, COLORADO 81639 (970) 276-3613 dowling@plotz.biz
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